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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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Filed
MAR 16 2010
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL DINO LUCERO PALMA,

Defendant.

No. CR 99-00129 PVT

GOVERNMENT'S REQUEST TO DISMISS
COMPLAINT AND RECALL BENCH
WARRANT; ORDER [PROPOSED]

COMES NOW THE UNITED STATES OF AMERICA appearing through the undersigned Assistant United States Attorney and moves this Honorable Court for an order dismissing the above-captioned Complaint and recalling the arrest warrant. The facts supporting this request are as follows:

Defendant Palma was charged by Complaint on May 3, 1999, charging him with Unlawful Flight to Avoid Prosecution, in violation of 18 U.S.C. § 1073. Palma was wanted for attempted murder, based on an arrest warrant from the Santa Clara County Superior Court. He failed to appear after having been charged, and reportedly fled to the Philippines. Subsequently, Palma's family attempted to mislead the Superior Court by submitting a fraudulent death certificate stating that the defendant had drowned.

Request to Dismiss Complaint; Order

1 After the federal complaint was issued, the Federal Bureau of Investigation was able to
2 determine where Palma was living in the Philippines. For various reasons, however, the Santa Clara
3 Country District Attorney has decided not to seek a Provisional Arrest Warrant for his extradition
4 to the United States. Accordingly, there is no longer any need for federal assistance in this matter.

5 Accordingly, the government respectfully requests that the above-captioned Complaint be
6 dismissed and the arrest warrant recalled.

7 DATED: March 15, 2010

8 Respectfully submitted,


9 JOSEPH P. RUSSONIELLO
10 United States Attorney

11 /S/

12 DAVID R. CALLAWAY
13 Assistant United States Attorney

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15 **ORDER**

16 Upon application of the United States, and good cause having been shown therefor,
17 **IT IS HEREBY ORDERED** that the above-captioned Complaint is DISMISSED, and
18 the arrest warrant issued thereon RECALLED.

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21 PATRICIA V. TRUMBULL
22 United States Magistrate Judge

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3/15/2010